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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,980

02/25/2004

Hitan S. Kamdar

GP-304500 (2760/163)

4514

7590

11/17/2005

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EXAMINER

LE, JOHN H

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/786,980

Applicant(s)

KAMDAR ET AL.

Examiner

John H. Le

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. This office action is in response to applicant's response received on 09/08/2005.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marko et al. (USP 6,745,151) in view of Sonnenrein et al. (US 2005/0154500 A1).

Regarding claims 1, 10, and 19, Marko et al. teach a computer readable medium storing a computer program (13, Fig.1) comprising: computer readable code for providing the primary diagnostic script to the mobile vehicle (e.g. Col.3, lines 27-40, Col.7, lines 55-61); computer readable code for executing the primary diagnostic script (e.g. Col.3, lines 27-40, Col.7, lines 55-61); and computer readable code for collecting diagnostic data based on the executed primary diagnostic script (e.g. Col.3, lines 27-40, Col.7, line 66-Col.8, line 11).

Marko et al. fail to teach configuring a primary diagnostic script for a telematics equipped mobile vehicle.

Sonnenrein et al. teach configuring a primary diagnostic script (configuration scripts [0031]) for a telematics equipped mobile vehicle (e.g. [0033], [0035]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include configuring a primary diagnostic script for a telematics equipped mobile vehicle as taught by Sonnenrein et al. in a diagnostic/prognostic system monitors performance of a vehicle of Marko et al. for the purpose of providing telematics terminals with a suitable access and are already present in the vehicle to be used for performing vehicle-related telematics applications (Sonnenrein et al., [0003]).

Regarding claims 2, 11, Marko et al. teach computer readable code for analyzing the collected diagnostic data (e.g. 55, Figs.3-4, Col.7, lines 17-31).

Regarding claims 3, 12, Marko et al. teach computer readable code for initiating the automated vehicle diagnostic function (e.g. Col.8, lines 2-8).

Regarding claims 4, 13, Marko et al. teach the computer readable code for initiating the automated vehicle diagnostic function comprises: computer readable code for receiving a request for automated vehicle diagnostic function from a user interface (technician); and computer readable code for identifying diagnostic routines based on the received request (e.g. Co.3, lines 52-60).

Regarding claims 5, 14, Marko et al. teach the computer readable code for configuring the primary diagnostic script comprises: computer readable code for determining at least one diagnostic script based on diagnostic options (e.g. Col.7, line 66-Col.8, line 2); and computer readable code for retrieving the at least one diagnostic script (e.g. Col.6, lines 49-57), wherein the one or more diagnostic scripts are combined into the primary diagnostic script (e.g. Col.8, lines 26-30).

Regarding claims 6, 15, Marko et al. teach the primary diagnostic script recreates known problem sequences when executed (e.g. Col.4, lines 60-65).

Regarding claims 7, 16, Marko et al. teach the primary diagnostic script triggers data capture when specific conditions exist (e.g. 55, Figs.3-4, Col.7, lines 8-46).

Regarding claims 8, 17, Marko et al. teach the computer readable code for collecting diagnostic data based on the executed primary diagnostic script comprises: computer readable code for receiving diagnostic data from vehicle system modules (e.g. Col.2, lines 47-49); and computer readable code for storing the received diagnostic data (e.g. Col.4, lines 33-53, Col.6, lines 38-48).

Regarding claims 9, 18, Marko et al. teach the diagnostic data is selected from the group consisting of: diagnostic trouble codes (e.g. Col.2, lines 42-47, Col.6, lines 38-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include computer readable code for configuring a primary diagnostic script for a telematics equipped mobile vehicle as taught by Sonnenrein et al. in a diagnostic/prognostic system monitors performance of a vehicle of Marko et al. for the purpose of providing telematics terminals with a suitable access and are already present in the vehicle to be used for performing vehicle-related telematics applications (Sonnenrein et al., [0003]).

#### ***Response to Arguments***

4. Applicant's arguments filed 09/08/2005 have been fully considered but they are not persuasive.

Art Unit: 2863

-Applicant argues that the prior did not teach "configuring a primary diagnostic script for a telematics equipped mobile vehicle" as cited in claims 1, 10, and 19.

Examiner position is that Sonnenrein et al. teach configuring a primary diagnostic script (configuration scripts [0031]) for a telematics equipped mobile vehicle (e.g. [0033], [0035]).

-Applicant argues that the prior did not teach, "the primary diagnostic script recreates known problem sequences when executed" as cited in claims 6 and 15.

Examiner position is that Marko et al. teach the primary diagnostic script recreates known problem sequences when executed (e.g. Col.4, lines 60-65).

### ***Conclusion***

5. Specifically Sonnenrein et al. has been added to second ground of rejection.

### ***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H. Le whose telephone number is 571 272 2275. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571 272 2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 2863

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John H. Le

Patent Examiner-Group 2863

November 12, 2005



MICHAEL NGHIEM  
PRIMARY EXAMINER